

Office of Attorney General

# **NORTH DAKOTA CONCEALED WEAPON LICENSES**



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## GENERAL INFORMATION

APPLICATION FORMS	Application forms are available from the local police department, sheriff's office or certified test administrators. A list of certified test administrators is online at <a href="http://www.ag.nd.gov/BCI/CW/CW.htm">http://www.ag.nd.gov/BCI/CW/CW.htm</a> .
APPLICANT STATUS	As of August 1, 2009, all applicants for licensure or renewal must be a resident or non-resident <b>citizen of the United States</b> .
TYPE OF LICENSE	There are two types of licenses: Class 1 and Class 2. The licenses cost the same and are equally valid within North Dakota, but the Class 1 license is accepted in more states than a Class 2 license. Licenses issued before August 1, 2009, regardless of the age of the license holder, automatically converted to a Class 2 license.
MINIMUM AGE	Applicants must be at least 21 years of age to apply for a Class 1 License, or at least 18 years of age to apply for a Class 2 License.
THOSE PROHIBITED	Concealed weapon licenses may only be issued to those who legally may possess a firearm or dangerous weapon. Individuals may be prohibited by state or federal law from owning, possessing, or having a firearm under their control.
TESTING, CLASS 1	<p>An applicant for a Class 1 license shall successfully participate in a classroom instruction that sets forth weapon safety rules and the deadly force law of North Dakota, complete an open book test based upon the manual, demonstrate familiarity with a firearm or dangerous weapon, <b>and</b> complete an actual shooting or certified proficiency exercise.</p> <p>Evidence of familiarity with a firearm or dangerous weapon to be concealed may be satisfied by one of the following:</p> <ul style="list-style-type: none"><li>• Certification of familiarity with a firearm or dangerous weapon by an individual who has been certified by the attorney general, which may include a law enforcement officer, military or civilian firearms instructor, hunter safety instructor, or dangerous weapons instructor;</li><li>• Evidence of equivalent experience with a firearm or dangerous weapon through participation in an organized shooting competition, law enforcement, military service, or dangerous weapon course of training;</li><li>• Possession of a license from another state to carry a firearm or dangerous weapon, concealed or otherwise, which is granted by that state upon completion of a course described above; or</li><li>• Evidence that the applicant, during military service, was found to be qualified to operate a firearm or dangerous weapon.</li></ul>
TESTING, CLASS 2	An applicant for a class 2 license is required to successfully complete the open book test offered for the class 1 license.
TESTING FEES	The maximum amount a test administrator may charge is \$50.

SIGNATURES REQUIRED	Applications must be signed by the Sheriff of the county in which the applicant resides. If the applicant lives in a city with a police department, the application must also be signed by the Chief of Police.
APPLICANT FEES/ PHOTOS/FINGERPRINTS	After successful completion of the required testing, submit the completed application, two color photos (size 1" x 1¼") and a cashier's check or money order ( <b>NO PERSONAL CHECKS</b> ) for \$45 made payable to the "North Dakota Office of Attorney General" to the local law enforcement agency. The agency will review the application, obtain fingerprints, conduct a local records check, determine applicant's ability to obtain the license, and forward the information to the BCI.
RECORD CHECKS AT BCI	BCI performs state and national records checks and processes applicant fingerprints through the regional Automated Fingerprint Identification System (AFIS).
APPLICATION PROCESSING-LOCAL LAW ENFORCEMENT	State law provides that the Sheriff is required to process applications within thirty days. If the applicant lives within a city and that city has a police department, the Chief of Police's signature is required. The police department must process the application within ten working days of receipt by the agency.
APPLICATION PROCESSING-BCI	PLEASE NOTE: The BCI is prohibited by law from providing information about the status of a concealed weapon license application, <i>even to the applicant</i> .  It takes approximately 45 days from the date the BCI receives the application from local law enforcement. If there is a problem with the application, it will be returned. If it has been more than 90 days since the application was received by BCI and the license has not been received, it likely has been lost in the mail. You will need to send written notification to BCI via regular mail – we cannot accept telephone or e-mail notifications.
WEAPON PURCHASE/NICS ALTERNATIVE	Because a National Instant Check System (NICS) background check is completed during the application process, the requirement for a NICS check for each firearm purchase is waived for North Dakota residents with a valid concealed weapon license. The NICS number is printed on the license. The weapon dealer may choose to accept the license as an alternate to a NICS check. They are not required to use it as an alternative.
NONRESIDENTS	Individuals who are not residents of North Dakota may apply for a North Dakota concealed weapon license, but cannot use the license as an alternate to a NICS check when purchasing firearms.
LICENSE PERIOD	Concealed weapon licenses are valid for a period of three years.
ADDRESS CHANGE	License holders are required to submit a change of address in writing to the BCI within 30 days after an address change. The request must include name, license number, old address, and new address. Keeping address information up-to-date is important because renewal notices are sent to the mailing address the BCI has on file.

LOST OR DESTROYED LICENSES	If a license is lost or destroyed, a replacement may be obtained from BCI. Send a written request to the BCI indicating the license holder's name, address, date of birth, and the reason a replacement is needed.
RENEWAL PERIOD	<b>Timely renewal is the responsibility of the license holder.</b> The renewal process may begin up to 90 days prior to license expiration and up to 90 days after expiration. If a license holder fails to begin the renewal process within the 90-day grace period after the expiration date, the individual may not "renew" the license; instead, the individual must re-apply by taking the written test, getting fingerprinted, etc.
RENEWAL PROCESS	No additional testing is required to renew a class 2 concealed weapons license. A license issued under this section before August 1, 2009, and a class 2 license may be upgraded to a class 1 license upon successful completion of the class 1 requirements and satisfaction of the age and other application requirements. A Class1 license may be renewed upon successful completion of all class 1 testing requirements within one year before submission of the application for renewal.
EXPIRED LICENSES	If the license has expired, do not carry concealed! A license holder must be able to produce a valid concealed weapon license upon demand at all times while carrying concealed. If the license has expired, it is not a valid license.
DENIALS	A concealed weapon license application may be denied if the applicant is prohibited by state or federal law from possessing any weapon or if the applicant made a material false statement on the application. An incomplete application will be returned to the applicant.
REVOCATIONS	Once issued, a concealed weapon license may be revoked if an individual becomes prohibited by state or federal law from possessing a firearm, or if another valid reason to revoke a license exists. Examples include: a criminal violation while the permit holder was in the possession of a concealed weapon, a conviction of any weapons law, false statements on the application, etc.
RECIPROCITY	North Dakota has "reciprocity" with many, but not all, other states. This means that a North Dakota concealed weapon license is valid while in those states, and licenses from those states are recognized as valid in North Dakota. BCI maintains a list of states with which North Dakota has reciprocity, at <a href="http://www.ag.nd.gov/BCI/CW/CW.htm">http://www.ag.nd.gov/BCI/CW/CW.htm</a>  Reciprocity with another state may be conditional; for example, if the other state has a residency requirement, that state may recognize ND licenses held by ND residents but not those held by non-residents.  <b>It is the responsibility of the license holder to review the laws of both the issuing state and reciprocal state to ensure full compliance.</b>

# STATE LAWS

The questions on the open book test are taken from the information appearing in the relevant chapters of the North Dakota Century Code. Please carefully review this information. All applicants must achieve a score of 70% overall and 100% on the deadly force law in order to pass the test.

Clicking on the links below will open each one in a separate window. The North Dakota Century Code is available for review online <http://www.legis.nd.gov/information/statutes/cent-code.html>.

A hard copy of the complete text of Title 62.1 (Weapons) and Chapter 12.1-05 (Justification) will be provided by the Certified Test Administrator at the time of testing, and is included in the testing fee.

## TITLE 62.1, WEAPONS

[CHAPTER 62.1-01 DEFINITIONS - GENERAL PROVISIONS](#)

[CHAPTER 62.1-02 POSSESSION OF WEAPONS](#)

[CHAPTER 62.1-03 HANDGUNS](#)

[CHAPTER 62.1-04 CONCEALED WEAPONS](#)

[CHAPTER 62.1-05 MACHINE GUNS, AUTOMATIC RIFLES, SILENCERS, BOMBS](#)

## CHAPTER 12.1-05 (JUSTIFICATION)

[CHAPTER 12.1-05 JUSTIFICATION - EXCUSE - AFFIRMATIVE DEFENSES](#)

## FEDERAL PROHIBITIONS ON POSSESSION OF WEAPONS

Section 62.1-04-03 (1)(e) of the North Dakota Century Code requires that concealed weapon licenses may not be issued to any applicant prohibited under federal law from owning, possessing, or having a firearm under that person's control. Because federal law may change after the printing and distribution of this manual, it is the responsibility of the concealed weapon license holder or applicant to be familiar with, and to comply with, all federal laws regarding the purchase, possession, and use of firearms and dangerous weapons.

At the printing of this manual, persons prohibited from receiving firearms under Title 18 USC 922(g)(1) through (9) and (n) are those who:

- have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- are fugitives from justice;
- are unlawful users of or addicted to any controlled substance;
- have been adjudicated as a mental defective or who have been committed to a mental institution;
- are illegal or unlawful aliens;
- have been discharged from the Armed Forces under dishonorable conditions;
- have renounced their US citizenship;
- are the subject of a protection or restraining order;
- have been convicted in any court of a misdemeanor crime of domestic violence;
  
- (n) are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

**Items (1 and n):** in many states this refers to “felony” offenses but it can also apply to specific misdemeanors in some states.

As indicated in § 62.1-02-01, if an individual has been convicted of a felony in North Dakota, firearm rights are restored after a 5 or 10 year period depending on the type of crime. If convicted of a misdemeanor A offense involving violence and intimidation and a firearm, firearm rights are restored after 5 years. If an individual has been convicted of a felony or disqualifying misdemeanor in a state other than North Dakota, and that state has not restored firearm rights, the individual is federally prohibited. If an individual is under indictment or information (has been formally accused) of a crime that is punishable by imprisonment for a term exceeding one year, the individual is federally prohibited.

**Item (2):** If a person has an active misdemeanor or felony warrant in any state, that person is federally prohibited.

**Item (3):** A person is federally prohibited, if that person:

- 1) has been convicted for use or possession of a controlled substance within the past year; or
- 2) has multiple arrests for use or possession of a controlled substance within the past five years and the most recent arrest occurred within the past year; or
- 3) has been arrested for use or possession of a controlled substance within the past year and the substance tested positive for a controlled substance.

**Item (4):** If there has been a determination by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetence, condition or disease, (1) is a danger to himself or others, or (2) lacks the mental capacity to contract or manage their own affairs, that person is federally prohibited.

**Item (5):** As of August 1, 2009, North Dakota law requires that all applicants for licensure or renewal must be a resident or non-resident citizen of the United States.

**Item (6):** Those who have been discharged from the US Armed Forces under dishonorable conditions are federally prohibited.

**Item (7):** Persons that have renounced their US citizenship are federally prohibited.

**Item (8):** Persons subject to a court order that restrains them from harassing, stalking or threatening an intimate partner or child of an intimate partner, or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury are federally prohibited.

**Item (9):** Persons convicted in any court of a misdemeanor crime of domestic violence are prohibited federally from possessing a firearm. A person is federally prohibited from possessing a firearm if that person was convicted of a crime, that

- a) is a misdemeanor under state or federal law (or in states that do not use the terminology “misdemeanor” - any offense that is punishable by imprisonment for a term of one year or less, and includes offenses that are punishable by fine);
- b) involves the use or attempted use of physical force, or the threatened use of a deadly weapon; and
- c) was committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent or guardian of the victim.



# BASIC HANDGUN USE

## FIREARMS SAFETY

YOU are ultimately responsible for your weapons, at home, at a shooting range and everywhere else. This includes cleaning, dry-firing and storage of the weapons. There is no such thing as an “accidental discharge,” only an unintentional discharge! It wasn’t an accident; someone didn’t practice safety.

## SAFETY RULES

The eight cardinal rules:

**(1) TREAT EVERY WEAPON AS IF IT IS LOADED.**

Never point any weapon at anything you do not intend to shoot. Most unintentional discharges occur as a result of someone thinking it was unloaded, but it goes off anyway.

**(2) A loaded weapon in the home has a much greater danger potential than an unloaded weapon.**

Many people feel that they need to have loaded weapons within reach in their homes for security reasons. This is close to paranoia! Weapons should be unloaded and locked to prevent children from being able to operate them. It doesn’t take long to load a weapon for use.

**(3) Never put your finger on the trigger until you are ready to fire.**

Many people have had a gun discharge in the holster because they place their finger on the trigger as they are drawing or holstering the weapon. The weapon can’t go off without the trigger being pulled.

**(4) Anytime a weapon is given to you, check that weapon to see if it is loaded.**

Open the cylinder or action, then look and feel to make sure it is empty. Many semi-automatic pistols can shoot even if the magazine is out. Open the cylinder or action, then look and feel to make sure it is empty.

**(5) Never depend on the mechanical safety device.**

Just like everything else that is mechanical, safeties may fail. For hunting and sporting activities, having the safety on is a good practice but never depend on it entirely. Keep the weapon pointed in a safe direction at all times with your finger off the trigger and unload and secure it when you are not planning on using it.

**(6) If a cocked weapon is given to you, the proper procedure to follow is to point the muzzle in a safe direction and carefully let the hammer down.**

To accomplish this with a revolver, the hammer must be held with the thumb of one hand. Once a good grip is on the hammer, pull the trigger slowly to release the hammer. Once the hammer is released, let go of the trigger and slowly let the hammer down to the rest position.

With the current semi-automatic handguns, this may be easily accomplished. First, keep the weapon pointed in a safe direction and remove the magazine from the magazine well. Then work the slide to the rear and lock it in the open position. Look and feel to ensure there is nothing in the chamber.

- (7) **If you are going to give a weapon to someone else, pass it to them with the magazine out and the action locked back or with the cylinder open.**

Be courteous to others. Show them that you are practicing safety in your actions. Then make sure they check the weapon anyway.

- (8) **For your own safety, you should inspect your own weapons for proper care and maintenance.**

Follow the manufacturer's specifications for care, maintenance and cleaning. Weapons will last a long time if they are cared for properly.

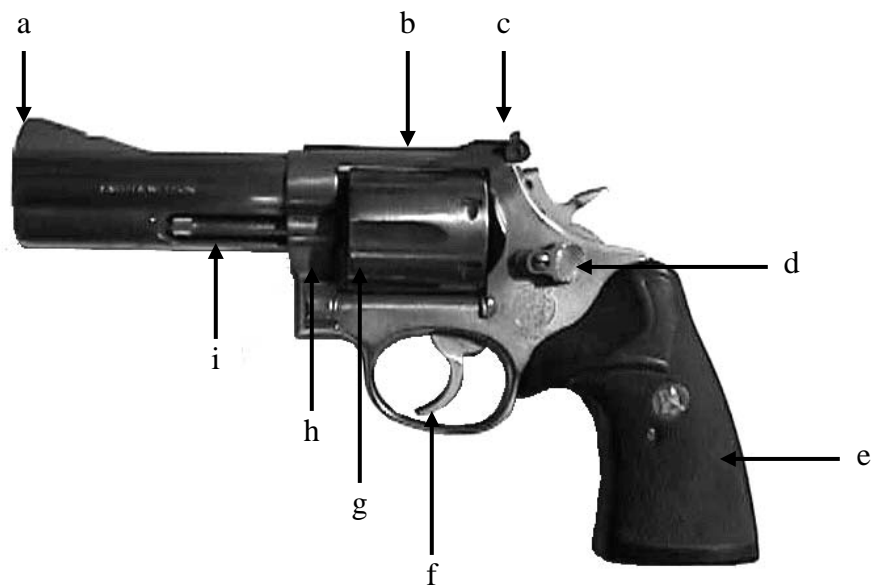
## NOMENCLATURE

Figure 1: Pistol



- |                |               |                  |                     |
|----------------|---------------|------------------|---------------------|
| a. Front Sight | b. Slide      | c. Stop Notch    | d. Slide Stop Lever |
| e. Rear Sight  | f. Tang       | g. Grip          | h. Magazine Catch   |
| i. Trigger     | j. Slide Lock | k. Trigger Guard | l. Frame            |

Figure 2: Revolver



- |                  |              |               |                |
|------------------|--------------|---------------|----------------|
| a. Front Sight   | b. Top Strap | c. Rear Sight | d. Thumb Piece |
| e. Grip          | f. Trigger   | g. Cylinder   | h. Yoke        |
| i. Extractor Rod |              |               |                |

# **BASIC INSPECTION GUIDES**

## **EXTERIOR**

- Make sure that there are no spots of rust or corrosion
- Make sure there are no bulges or bent parts
- Make sure that the weapon is clean
- Make sure that the sights are not loose

## **BARREL**

- Look to see that there is nothing lodged in the barrel
- Look for any deposits and that the barrel is clean

## **FUNCTION**

- Make sure that the weapon functions properly mechanically
  - For a pistol
    - Slide locks back
    - Slide release works
    - Magazine locks in and releases properly
  - For a revolver
    - Cylinder opens and closes properly
    - Cylinder rotates without binding

IF ANY MECHANICAL PROBLEM IS FOUND, take the weapon to a qualified armorer or gunsmith.

# **SHOOTING FUNDAMENTALS**

## **BREATH CONTROL**

There are many schools of thought with hunters and competition shooters depending on the weapon and the type of shooting. The key is not to hold your breath while shooting. The first visible sign of the brain not having enough oxygen is trembling. This does not support good weapon control.

## **STANCE**

Many different stances are available and have been taught in the past including Point shoulder, Weaver and Modified weaver. No matter what the situation, any shooting stance must provide a stable shooting platform.

## **GRIP**

The proper grip differs with the type of handgun being used. For a pistol the hand is placed high on the back of weapon, right under the tang. For a pistol to operate properly the grip strength must be appropriate, otherwise the functioning may be impaired. To find the proper grip strength, Grip the weapon until the hand starts to shake, then back off the pressure just until the shaking stops. That is how hard to grip the pistol.

For a revolver, the hand is placed high up on the back strap or grip with the webbing between thumb and trigger finger at very top. The revolver is held just like a friendly hand shake and no more pressure need be applied.

For either handgun, the support hand provides only support and no pressure should be exerted. It provides only support or stability.

The trigger finger should make contact with the trigger with the first segment of the finger. If right handed, the right edge of the trigger should be touching the first joint. If left-handed, the left edge of the trigger should be touching the first joint. Revolver grips may be changed easily and many styles are available so the handgun can be made to fit your hand. Pistol grips are not interchangeable so the placement of the hand may need to be changed in order to get the trigger finger in the proper place.

## **TRIGGER PULL**

You should not know the exact instant a handgun will fire. There are two most common mistakes made while shooting that affect accuracy. The first is to anticipate the gun going off. This is a “flinch” and will cause the bullets to go high. The second and more common mistake is to make the gun go off when you want it to. This is called a “jerk” and will cause the bullets to go low.

The trigger pull for a revolver should be smooth and the end must be a squeeze. For double action take up the first part of the trigger pull, acquire sights, and then squeeze. (pull-sight-squeeze) For single action it is squeeze only. (sight-squeeze) Follow-through is what your trigger finger does after the shot. The proper follow-through is to hold the trigger to the rear until the weapon recovers from recoil.

For single action only pistols the trigger pull is the same as for revolvers. For double/single and full double action pistols, trigger reset should be used. Trigger reset is how far the trigger needs to be let forward in order to reengage the sear so it may be fired again. This is all the farther the trigger need be let forward. The first round fired will be the pull-sight-squeeze but the subsequent shots will be reset-sight-squeeze.

## **SIGHTING A FIREARM**

Which eye should be used for aiming? It is more fundamentally sound that a right-handed shooter use the right eye and a left-handed shooter use the left eye to sight a handgun. For close distances it is also possible to use both eyes.

Most people will have one dominant eye. This does not mean that the other is weaker, only that one will be chosen from habit or preference. If there is a large difference between the eyes, it may not be possible to sight a handgun with both eyes open and not possible to close the dominant eye while keeping the other one open. However, It is possible to learn how to use either eye.

## **SIGHT ALIGNMENT**

There are three components used for sighting



The relationship between the front sight, rear sight and where you want the bullet to strike is called sight alignment. Proper sight alignment is: the front sight is centered in the rear sight and level with the top and positioned just below where you want the bullet to strike the target. The slang term for proper sight alignment is pumpkin on a post.





## **SIGHT PICTURE**

Sight picture is what you will see or how you will see the sights. Human vision cannot focus on three different items at three different distances so we must pick one to focus on. The other two will appear a little blurry. Which one should we focus our vision on? Vision should be focused on the front sight. The rear sight and where the bullet will strike will look a little blurry.



## **ADJUSTING THE SIGHTS**

Every weapon comes from the manufacture with the sights adjusted properly. No weapon has ever hot where it has not been aimed. Sight alignment and sight picture is the key. Unless the sights are damaged, there should be no reason to adjust the sights. Many people adjust their sights to cover for bad sight alignment or improper trigger control.

If the sights have been damaged and need to be adjusted, it is the rear sight that is adjustable. The rear sight should be moved in the same direction that you want the bullet strike to move. For example, if the handgun is shooting to the left you want the strike to move to the right so move the rear sight to the right.

## **LOADING A HANDGUN**

Prior to loading a handgun that is completely empty it should be inspected to ensure it is clean and a function check done.

**REVOLVER:** A revolver may then be loaded by placing a round into each charge hole in the cylinder and the weapon properly closed.

**PISTOL:** The pistol is completely empty and a magazine is fully loaded but not in weapon. There is also one extra loose round available. With weapon pointed in a safe direction insert the magazine into the magazine well. The finger should not be touching the trigger.

Seat the magazine into the magazine well by pushing it in until a click is heard. There is no need to slam the magazine into pistol as damage to the weapon or the magazine will occur. Rack the slide to insert one round into the chamber. Activate the magazine catch and remove magazine. The loose round may now be inserted into the top of the magazine. Re-insert the magazine into the pistol without slamming it in. You can make sure the magazine is properly seated by pulling on the floor plate. The pistol is now completely loaded.

## **ADMINISTRATIVE UNLOADING**

A revolver may be unloaded by pointing the weapon in a safe direction and activating the thumb piece to open the cylinder. The muzzle should be pointed up and the rounds will fall out of the charge holes.

To unload a pistol, remember that there is a live round in the chamber. With pistol pointed in a safe direction, lock slide to the rear. The support hand must not cover the ejection port and the loose round should fall on the floor, etc. Do not attempt to catch the loose round.

## RELOADING

To reload a revolver it should be emptied just as with the administrative unloading. The extractor rod should be pressed to remove the empty brass while the muzzle is pointed up. The muzzle should now be pointed downward and new ammunition may be placed into the weapon and it closed properly.

For a pistol, when it is empty the slide should lock back. Obtain the spare magazine and while holding it properly, bring it towards the weapon. As it nears the weapon, release the empty magazine. The empty magazine will drop and it goes on the ground. Insert the new magazine into the pistol (do not slam it in) and using the support hand, release the slide forward just as when initially loading.

## MALFUNCTIONS WITH A HANDGUN

Anything mechanical may fail at some time so it is important that handguns be inspected regularly. It is very rare that a revolver will malfunction while shooting. Bad ammunition may cause a problem but anything else will probably be something that has broken in the weapon and it must be fixed.

For a pistol it is another matter. There are many reasons a pistol may fail while shooting. The vast majority of malfunctions are caused by the shooter including the lack of cleaning, poor maintenance and improper grip while shooting. Bad magazines are the next leading cause. Clean and check the magazines on a regular basis just as the pistol.

Bad ammunition may also cause some malfunctions. Factory ammunition is recommended for use in pistols. Some manufacturer's warranties will be void if reloaded ammunition is used. Do not use lead bullets in a pistol. Metal jacketed rounds should be used.

Each time the trigger is pulled on a revolver, the cylinder rotates and a new round is struck by the firing pin, a pistol has four distinct operations that must be completed for each shot. Those four operations are to feed, fire, extract and eject. If any of these fail, it will cause a malfunction. The process to clear any malfunction while shooting a pistol is called "tap - rack."

- To properly perform the tap-rack the finger must come off of the trigger. The flat open support hand slaps the bottom of the magazine and the slide is racked just as when initially loading the weapon. It is important not to cover the ejection port as a bad round or an empty case has to leave the weapon. The weapon may be canted to the right to let gravity assist in removing anything from the pistol.

If either a fail to extract or fail to eject occurs, it is likely that a double feed condition will be created. There is one empty and one live round, both trying to occupy the same space. When this happens the slide will probably not be in battery and you will not be able to tap and rack. The remedy for a double feed is called "rip - work - tap - rack."

- Rip = remove the magazine. There will be one round partially in the weapon and partially in the magazine so it may be difficult to rip the magazine out. Point the weapon in a safe direction and the finger must be off the trigger. Press the magazine catch and grab the floor plate of the magazine to pull it out.
- Work = work the action back and forth rapidly at least twice.
- Tap-rack = same as above, but includes re-inserting the magazine into the weapon.